

RESOLUTION NO. 2009-41
(Rezoning Ordinance as Public Record)

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA, ESTABLISHING AS A PUBLIC RECORD THE TERMS OF THAT CERTAIN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, AMENDING THE ZONING DESIGNATION FOR THAT PROPERTY DESCRIBED HEREIN TO ALLOW FOR THREE NEW SINGLE-FAMILY RESIDENTIAL TOWN HOMES WITHIN THE EXISTING VISTA MONTANA SUBDIVISION; DIRECTING THE AMENDMENT OF THE ZONING MAP UPON COMPLETION OF ALL ZONING CONDITIONS SET FORTH HEREIN; AND REPEALING ALL ORDINANCES IN CONFLICT HERewith.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA that the terms set forth in Sections 1 through 3 herein, as well as Exhibit A attached hereto, constitute a public record to be incorporated by reference into Ordinance No. 2009-18.

Section 1. Adoption by Reference

That certain property described by Yavapai County Assessor's Parcel No.408-25-271B, which constitute approximately 1.28 acres of land at 1481 Vista Montana Drive, and is zoned PRD (Planned Residential Development), is hereby converted to a different PRD (Planned Residential Development) that allows for the construction of three new single family residential town homes within the existing Vista Montana subdivision upon completion of all zoning conditions set forth in Exhibit A.

Section 2. Zoning Map

The zoning map shall be amended to reflect this zoning change, and at least three (3) copies of the map shall be kept in the office of the City Clerk for public use and inspection.

Section 3. Repeal

All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

APPROVED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona this 8th day of December, 2009.

Rob Adams, Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

Exhibit A
CONDITIONS OF APPROVAL
VISTA MONTANA TRACT 5
As approved by the Planning and Zoning Commission
October 6, 2009
ZC2009-4, SUB2009-4 & DEV2009-3

1. Development of the subject property shall be in substantial conformance with the applicant's representations of the project, including the revised Letter of Intent dated August 24, 2009, the revised preliminary site plan/plat, grading and drainage plans, landscape plan, and architectural renderings as reviewed, modified and approved by the Planning and Zoning Commission and City Council.
2. The Development Review approval for the Vista Montana project shall be valid for a period of two years and shall expire on October 6, 2011, unless a valid building permit has been issued and the project is under construction and being diligently pursued towards completion.
3. Prior to City Council consideration of the final plat, the applicant shall satisfy the following conditions:
 - a. A copy of the proposed CC&R's shall be provided to the Department of Community Development.
 - b. The proposed emergency access gate shall be added to the Plat and a statement shall be included on the plat stating that the gate shall be used for emergency access only.
4. Prior to issuance of grading and building permits, the applicant shall satisfy the following conditions and provide written documentation of such compliance to staff:
 - A. Applicant shall pay one-half (\$6,390) of the agreed upon affordable housing in-lieu fee.
 - B. Applicant shall provide a final grading and drainage plan, including a final report.
 - C. Applicant shall provide a detailed utility plan including all laterals.
 - D. Applicant shall provide detail of the automatic gate to be installed at the west end of Vista Montana Road.
 - E. A construction schedule shall be submitted that demonstrates that traffic restrictions/interferences will not be generated on Posse Ground Road during the a.m. and p.m. peak school traffic.

- F. Sewer construction shall comply with Chapter 13 of the City of Sedona City Code.
- G. Applicant shall provide a geotechnical report.
- H. Applicant shall provide a Haul Plan. No dumping is permitted without prior authorization from the City of Sedona Engineering Department.
- I. A City of Sedona right-of-way permit shall be obtained for any work occurring within, or placing anything within, the right-of-way.
- J. Applicant shall provide a Dust Control plan for review and approval. The plan shall provide, at a minimum:
 - 1. A watering schedule for dust mitigation
 - 2. A road-cleaning schedule, including a schedule for gutter and catch basin cleaning
 - 3. All trucks hauling material into or out of the construction site shall be covered
 - 4. Track out plan
- K. Applicant shall provide a Neighbor Contact and Response Plan. The plan shall define site signage, which shall include a hotline number.
- L. Applicant shall provide a Storm Water Pollution Prevention Plan along with the completed NOI application for review. BMP's shall be detailed and a maintenance schedule for all permanent BMP's shall be provided. SWPP measures in compliance with Chapter 14 of the City of Sedona City Code shall be in place prior to the start of construction.
- M. Applicant shall provide a detailed landscape plan for review and shall have received approval from the Director of Community Development.
- N. The site plan, grading plan and landscape plans shall be carefully coordinated and any discrepancies resolved to the satisfaction of the Director of Community Development.
- O. Applicant shall provide a detailed lighting plan with lighting cut sheets of all exterior lights for review and approval by the Director of Community Development. The lumen calculation table shall also include all exterior sign lights. A maximum of 119,000 lumens is available for all exterior lights in the Vista Montana Tract 5 project.
- P. Applicant shall provide drawings showing the placement and method of screening or painting of all mechanical equipment to be reviewed and approved by the Director of Community Development.

5. Prior to the issuance of a Certificate of Occupancy, staff shall verify that all construction is in substantial accordance with the plans as submitted, reviewed, and approved by the Planning and Zoning Commission and City Council and meets the following conditions:
 - A. The balance (\$6,390) of the agreed upon affordable housing in-lieu fee shall be paid.
 - B. The automatic emergency access gate shall be installed at the western end of Vista Montana Road. Such gate shall be used for emergency purposes only.
 - C. All on-site improvements shall substantially conform to the plans on which the grading and building permit was issued.
 - D. In the construction of ADA compliant pedestrian facilities, ADA grade tolerances shall be met.
 - E. All requirements of the Sedona Fire District shall have been satisfied.
 - F. Approval to operate certificate from Yavapai County for the sewer and water infrastructure shall have been issued (if required).
 - G. All buildings shall be connected to the City of Sedona wastewater collection system and all applicable capacity and connection fees shall have been paid.
 - H. Applicant shall provide a letter, sealed by the engineer of record, verifying that the work, as done, is in substantial accordance with the approved plans.
 - I. Applicant shall provide copies of all required testing to the Engineering Department.
 - J. As-builts shall be provided in a format acceptable to the City Engineer.
 - K. Installation of all proposed landscaping shall be complete and in accordance with the approved landscape plan.
 - L. All areas of cut and fill shall be landscaped or dressed in such a manner as to reduce the potential for erosion.
 - M. All outside lighting shall have been installed in accordance with the approved plans and the Land Development Code regulations. All lighting sources shall be fully shielded so that the direct illumination is confined to the subject property boundaries and so no light is directed above the horizontal plane. Staff shall conduct a night inspection and if deemed necessary, additional shielding will be required.

- N. All new and existing overhead utility lines traversing the subject parcel shall be provided through underground installation.
 - O. Exterior paint samples shall be applied to large wall sections of the building for review and approval by City staff and the Planning and Zoning Commission.
- 6. Hours of work, for grading operations, shall be limited to 7 a.m. to 6 p.m., Monday through Friday and 9 a.m. to 5 p.m. on Saturday. No work shall occur on Sunday.
 - 7. Within thirty days of approval of the zone change by the Sedona City Council, the property owner of record of the subject property voluntarily agrees to sign and record a waiver acknowledging their waiver of any right to claim just compensation for diminution in value under A.R.S. §12-1134 related to the granting of this development review, zone change and preliminary plat approval.